



## **Feasibility study on an EU ‘safety audit’ system for the Outdoors**

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**The opinions expressed in this report are those of EC-OE only and do not represent the Commission’s official position.**

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## Preamble

In 2012 the Health and Consumer Protection Directorate General (DG SANCO) of the European Commission, commissioned a report by the European Confederation of Outdoor Employers (EC-OE) in order to obtain a more profound and overall picture of 'non-regulatory safety measures in outdoor leisure activities'.

This extensive report – published in 2013 - scrutinised some 202 'non-regulatory' safety measures in the Outdoors and in the meantime also identified 21 'regulatory' safety measures. <sup>1</sup>

Obviously this new feasibility study will to a large extent build on the findings of the DG SANCO report.

The present study however fits into a project launched in 2015 by DG Employment, Social Affairs and Inclusion of the European Commission. The aim of this project is: *“ Supporting the test phase of the European Sectoral Social Dialogue Committee for the sport and active leisure sector “* and is piloted by UNI Europa. <sup>2</sup>

The focus on social dialogue implies that safety issues in the Outdoors must be looked at from both the employers and the employees' side. The latter also implied that initially a distinction is made between 'consumer safety' and 'safety on the work floor'. However, when it comes to 'safety audit' systems - at least for the Outdoors – it turns out that this distinction is not really manageable.

Finally this report will research the transferability of an eventual 'outdoor safety audit system' to the sport and the non-for-profit sub-sectors.

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<sup>1</sup> Smulders H, Lapeyrière J-Y & Ann O'Connor, Non-regulatory measures related to the safety of outdoor leisure activities in the EU, [http://www.ec-oe.eu/fileadmin/user\\_upload/Publications/non-regulatory\\_measures/Final\\_Report\\_27022013\\_.pdf](http://www.ec-oe.eu/fileadmin/user_upload/Publications/non-regulatory_measures/Final_Report_27022013_.pdf), 2013

<sup>2</sup> <http://www.uni-europa.org/>

Content	3
Executive Summary	4
1. Mapping the Outdoors	11
1.1 Describing the sector	11
1.2 Defining the 'Outdoors'	13
1.3 Active Leisure Alliance	14
1.4 Components of outdoor leisure	17
2. Safety measures in the Outdoors	20
2.1 Types of safety measures	21
2.2 Taxonomy used for the classification of referenced safety measures	23
2.3 Main conclusions of the DG SANCO report	24
3. Safety at work	25
3.1 Dir. 89/656/EEC	25
3.2 EN 15567-1 & EN 15567-2	26
3.3 The OiRA tool	27
4. Towards a safety audit system for the Outdoors	29
4.1 Effectiveness	31
4.1.1 Assessing effectiveness	32
4.1.2 Radar presentation of the effectiveness of safety measures	32
4.1.3 An EU 'safety audit' system for the Outdoors ?	35
5. In conclusion: Transferability ?	37

## Executive Summary

### **Feasibility study on an EU ‘safety audit’ system for the Outdoors**

In general, the common feature of Outdoor ‘leisure activities’ is their focus on the natural environment. The activities offered are extensive, ranging from hiking to canoeing, sailing, skiing, canyoning, rafting, etc.

Outdoor activity leisure providers offer activities to their clients (customers) in the form of an event, a holiday, a ‘team building’ (company incentive), an ‘outdoor learning’ school programme, etc. Outdoor activity leisure providers **do not offer** competition, performance rankings, regular training, records, etc.

From a safety perspective there are **five** main interrelated components of outdoor activities, which must be addressed simultaneously in order to ensure an appropriate level of safety for both the customers and the members of staff involved. The five components of outdoor leisure activities are as follows:

1. Management;
2. Animator – the professional delivering the service;
3. Client;
4. Environment;
5. Tools – the equipment used during the service delivery.

Safety in the outdoors is directly linked to the fact that **each and every one** of the five components is taken care of according to professional, recognised or accepted references. This means that as far as Outdoor leisure activities are concerned, safety is due to the fact that the management **AND** the staff **AND** the clients **AND** the environment **AND** the equipment are safe, checked, adapted, appropriate and the responsible people are suitably trained.

Therefore the tendency in the Outdoor sector is to focus on what is called ‘**Programme safety**’.



Anno 2017 promoting safety in the Outdoors is approached from two different angles: consumer safety and employee safety (safety at work).

## 1. Consumer safety

In 2012 DG SANCO (now Consumers) commissioned a report on 'non-regulatory safety measures in outdoor leisure activities' by the European Confederation of Outdoor Employers (EC-OE). The main conclusions from this study were:

- The **cross-border character of outdoor leisure activities** (mobility of providers, workers and consumers) is of paramount significance to the promotion of safety. Consequently, the most obvious level to promote safety in the outdoors should be at the EU level.
- **No outdoor leisure activity is currently fully or adequately covered** at EU or even at country levels.
- The majority of referenced measures apply per country and only at activity level.
- **Programme safety** measures have a tendency to function as **audit systems** for quality control. The common feature of 'programme safety schemes' is that they focus on the complete management cycle of the provider offering outdoor leisure activities instead of focussing on the safety of specific activities,

- The most **effective approach** to promote safety in outdoor leisure activities would be a combination **of a regulatory measure at EU level with an EU wide programme safety certification scheme.**

The only 100% 'regulatory measure' identified in the 2013 study was the Belgian law on 'Safety on Active Leisure Activities' (2014).

This Belgium legislation provides for a context defining the criteria to meet 'programme safety'. The criteria are:

- A risk analysis;
- Precautionary measures must be in place;
- A safety supervisor must be appointed;
- Unacceptable risks must be avoided by taking care of:
  - Installations & equipment;
  - Staff training;
  - Training of the supervisor;
  - Providing information to the customers;
- A situation plan (including a prevention plan and an emergency plan);
- An evacuation plan.

These concepts are used to a different extent by Outdoor Employers Federations in Belgium (BFNO), Netherlands (VeBON), Spain (ANETA) and Switzerland (SOA) and integrated into their national Safety Audit Systems.

## **2. Employee safety (Safety at work)**

### **2.1: Dir. 89/656/EEC**

Safety at work has been a major concern for the EU since many years. Key is the directive 89/391/EEC (framework) followed by several individual directives. Related to the Outdoors (and sport in general) **Dir. 89/656/EEC** on 'Personal Protective Equipment' (PPE) stipulates that amongst others '**sports equipment**' (Article 2) is excluded from this Directive.

The major problem with this Directive is that it aims to be applicable to **all sectors of activity**.

Because of some vagueness in the Directive kept it caused some doubts in the Outdoor sector and more precisely for providers of climbing and caving activities.

In collaboration with the British Caving and Climbing governing bodies (including high ropes), the UK issued the Health and Safety Act: “ The Work at Height (Amended) Regulations 2007 “ This Act provides for a “Special provision in relation to caving and climbing”.

It also says that if you follow the recognised good practice identified by a relevant national governing body, you will generally be doing enough to satisfy WAH(A)R.

It may be beneficial in considering the purport of this UK Health and Safety Act within the broader EU context.

## 2.2: OiRA tool

The European Agency for Safety and Health at Work (EU-OSHA) developed the free of charge web platform: **OiRA** (Online interactive Risk Assessment) and in 2015 EU-OSHA launched an OiRA tool for Active Leisure (= Outdoors and Fitness).

In compliance with the remit of EU-OHSA, the OiRA tool focuses on safety at work and is conceived as a flexible cross-sector safety tool. However when it comes to specific safety issues for the Outdoor sector, a cross-sector generalised approach – as was the case with **Dir. 89/656/EEC** – becomes more dubious.

Developing safety tools obviously depends on **the input** but what must be realised is that working in the Outdoors is not just working on in one spot. The Outdoors is above all characterised by a continuous change, particularly in respect to the physical environments (even during one activity), the remoteness of the site, meteorological conditions and with continuously changing safety issues.

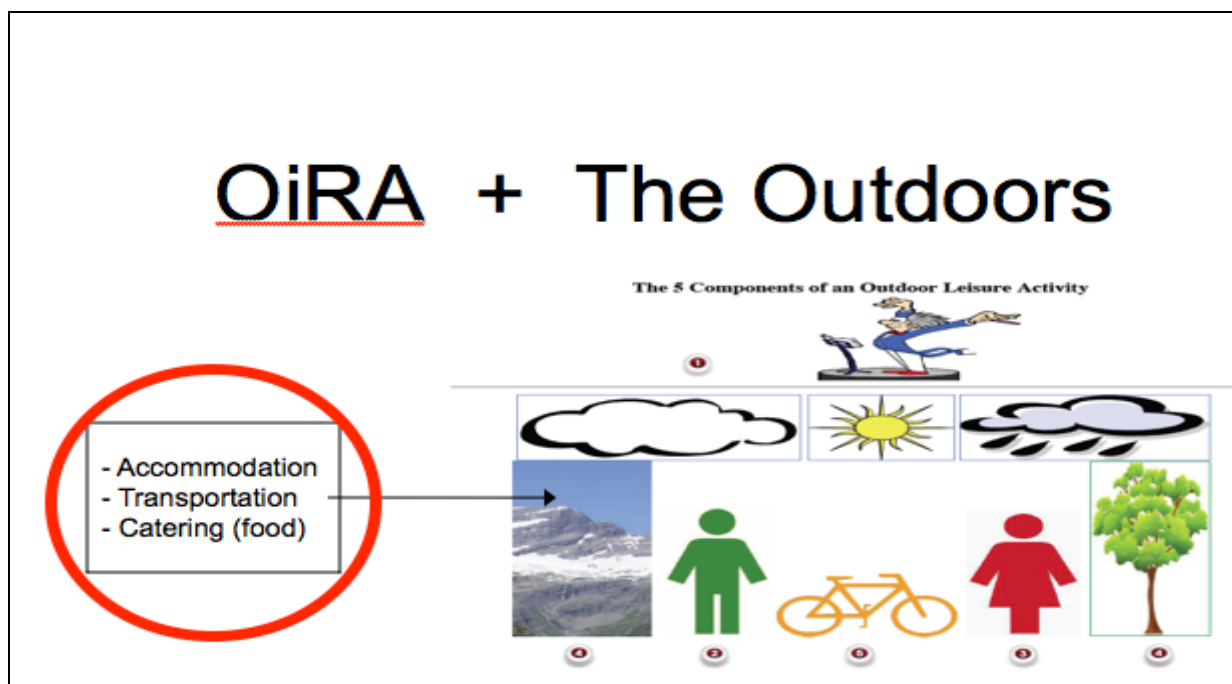
Moreover, working in the Outdoors means guiding people, and consequently involves dealing with participants who find themselves in an unfamiliar environment and having to perform unfamiliar actions. Therefore the participants are also less predictable for the safety situation of the ‘employee’ himself.

### 3. A Safety audit system for the Outdoors

It is the belief of the European Confederation of Outdoor Employers (**EC-OE**) that in the Outdoors safety at work (employee) **equals** safety of the consumer.

Auditing safety in the Outdoors implies many issues that are not covered by the OiRA tool. The Belgian law on 'Safety on Active Leisure Activities' (2014) without doubt can serve as an important guideline for the development of an appropriate Safety Audit System for the Outdoors. The merit of this legislation is that it identifies the issues to be taken into account, but on the other hand it leaves the interpretation and implementation of safety measures to the sector.

To a certain extent some **non-sector-specific** safety issues such as accommodation, transport, and catering might also be taken into account. This is probably the area of interest where OiRA could be useful for the Outdoor sector.



It is an imperative however, that an Outdoor Safety Audit **MUST** be an audit **on the spot**.

Ticking boxes on a website can never guarantee that, for example, an emergency call from a mobile phone in some remote area effectively reaches the rescue services.

Moreover, the most effective strategy to cover safety in the Outdoors is to audit the full cycle of '**Programme Safety**'.

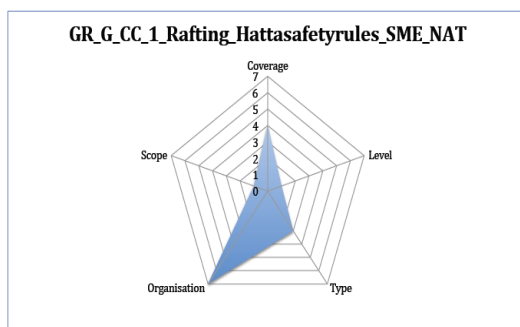


## 4. Effectiveness

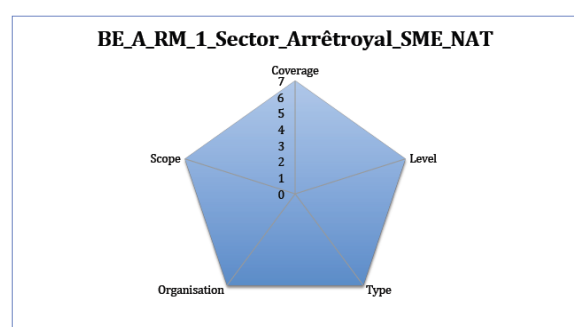
The DG SANCO study (2013) was a follow-up study on Lex Fori (2001) and the EIM study (2008). These studies focused on the ‘effectiveness of soft-law’ and on the ‘key aspects of self-regulation’. Basically the DG SANCO study added the ‘5 components’ concept to the key aspects of self-regulation and as such defined **five key aspects of effectiveness**:

1. **The coverage of content** relates to the five components of an outdoor activity. This aspect is the most important one, since it refers to the core of safety in the outdoors, as mentioned previously;
2. **The level of the measure** relates to the geographical level of enforcement of a measure and of course determines the number of customers concerned;
3. **The type of the measure** deals with the level of constraint that a measure represents for the service providers concerned;
4. **The nature of the organisation**: refers to who is in charge of or owns the measure;
5. **The scope of the measure**: relates to the number of activities concerned.

Using the technique of the ‘spider diagram’ enabled to visualise and analyse more profoundly the impact or effectiveness of each scrutinised safety measure (N= 223).



Greek code of conduct for rafting



Belgian law on safety for Active Leisure

Some of the main conclusions regards ‘effectiveness’ from the DG SANCO study are:

- Paramount for any safety measure to be effective is that the safety measure covers **all components** of an outdoor activity.
- For any measure to be most effective it must fully cover **ALL** key aspects of the outdoors and be compulsory to enforce.

- This study shows that **only** comprehensive national **regulatory safety measures** will result in complete coverage of every single key aspect of effectiveness of the outdoor activities at country level.
- The lack of a comprehensive **programme safety scheme at EU level** appears to be a substantial gap in promoting safety in the Outdoors.
- Programme safety measures have a tendency to function as **audit systems for quality control**.
- Involvement of **representative stakeholders** and goodwill is cardinal to achieve effectiveness at sector level.

## 5. Transferability

In order to achieve the highest possible level of effectiveness in safety issues for a particular sector, it is imperative that **representative** stakeholders are engaged in the whole process of developing and approving safety measures.

According to the methodology described in the DG SANCO study, these stakeholders will have to decide on both the 'content' (key components) and the '(five) key aspects of effectiveness' relative for their sector.

Within this context the transferability (of a safety audit system for the Outdoors) to other sectors ipso facto should be limited to apply this **methodology** only.

Based on the 'Outdoor experience', some useful ideas can be suggested, but it is clearly up to each (sub)-sector to decide on their own position.

- Involve representative stakeholders;
- Decide on the key components of the sector;
- Decide on the key aspects of effectiveness for the sector;
- Strive for 'programme safety';
- Strive for national and/or EU endorsement.

Developing an overarching EU endorsed Safety Audit System for the Outdoors remains a priority for the European Confederation of Outdoor Employers (EC-OE).

# **Feasibility study on an EU ‘safety audit’ system for the Outdoors**

## **1. Mapping the Outdoors**

### **1.1 Describing the sector**

The Outdoors provides an expansive and diverse range of experiences that span the spectrum of human activity, encompassing learning and recreation.<sup>3</sup>

The outdoor leisure sector uses mainly outdoors and related activities as the basis for delivery. In general, a common feature of leisure activities is their focus on the natural environment, with some notable exceptions, such as artificial climbing walls. For example, a simple climbing session can be used for a wide range of outcomes, most planned, but sometimes, and equally valuable, sometimes not planned.

Outdoor leisure activity outcomes may range from pure personal recreation to social recreation, to the application of the activity as a vehicle for personal and interpersonal learning and development, and utilised by relatively new areas such as adventure therapy. The outdoor leisure activity may also be used as a basis for formal school-based learning in areas such as science, natural history, geology, mathematics, etc.

Traditionally the outdoors is associated with three main themes of:

- Outdoor Recreation: In some countries, the word ‘adventure’ is used as a positive addition to terms such as adventurous activities, adventure travel, adventure tourism and outdoor adventure. However, in other countries, adventure is not a positive term, so care must be taken. For the purpose of this study the general term, ‘the Outdoors’ will be used.

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<sup>3</sup> EQFOA, (2006-2008), Industry occupational map for the outdoor sector, <http://www.ec-oe.eu/projects/eqfoa/>



*Swimming in a canyon*

- Outdoor Education: also referred to as 'outdoor learning'. This includes formal, informal, personal, interpersonal education / learning.



*Children practising on a 'via ferrata'*

- Development Training: often cited as the adult / corporate / organisational version of children and young people's personal and interpersonal education.



*Rafting is 'team' work*

In addition to the three traditional themes outlined above, a further three areas can be added:

- Personal Development: comprising of a relatively limited area in terms of gaining formal qualifications and skills for educators and;
- Expeditions and Exploration: a rapidly growing area that is now seen as having its own specific characteristics and needs, but with strong links to the other areas such as recreation and education;
- Adventure Therapy (new and developing): using the outdoors and related activities as the basis for therapeutic interventions to promote healing and learning in the area of psychological and personal problems.

It is true to say that the outdoors can be subdivided into many different sets and subsets. However, most can be located along a simple recreation / education continuum. Obviously there are extensive overlaps between the areas, depending on exactly the activity chosen and the purpose for which it is being used. Many providers of Outdoors Activities engage their operations taking account of this overlap and offer two, three or even more of the sub-sectors. This may be for commercial, logistical and/or other reasons.

For those looking at the outdoors from the 'outside', the sector can appear difficult to understand in terms of activities, structure, organisations, etc. For the purpose of this report, however, the 'Outdoor leisure activities' taken into account are **organised** and **sold** by **commercial outdoor companies** to their customers.

In this context the **Vocasport** research (2004) estimated that about 30.000 companies provide employment to about 400.000 people in the EU <sup>4</sup>.

## 1.2. Defining the 'Outdoors'

To ensure cross-national comparability, the outdoor leisure sector can be defined in terms of Statistical Classification of Economic Activities in the European Community

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<sup>4</sup> EOSE, *Vocasport*, DG Education and Culture, 2004.



(NACE) <sup>5</sup>. More specifically, the outdoor leisure sector is then defined according to NACE 93.29.

A more pragmatic definition of outdoor leisure is put forward in the study 'Defining the Outdoors' <sup>6</sup>. Here the 'provider' of an outdoor service and the outdoor activities s/he provides for, are considered as key elements for the description.

In sum it is stated that outdoor **providers** offer outdoor activities to their clients and 'translate' these activities into a leisure, tourism and/or educational context:

- Outdoor active leisure providers **offer** activities to their clients in the form of an event (e.g. 1/2 day canoe trip on a lazy river), a holiday (weekend including e.g. a dog sledding trip), a 'team building' (company incentive), an outdoor learning 'school programme', ... etc.
- Outdoor active leisure providers **do not offer** competition, performance rankings, regular training, records, etc.

In other words, outdoor leisure can be described in terms of fun, recreation, education, tourism and leisure time.

### 1.3. Active Leisure Alliance

As the EU-wide **representatives** of the Outdoor and of the Fitness Industries are identified as the main actors of the Active Leisure sector according to the Eurofound Study on Representativeness <sup>7</sup> and as defined within the NACE Rev.2 classifications of 93.13 (Fitness facilities) and 93.29 (Other amusement and recreation activities) which represents some 80.000 private companies, employing approximately 500.000 of the 800.000 employees of the whole 'Sports and Active Leisure' sector

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<sup>5</sup> NACE: [Nomenclature statistique des activités économiques dans la Communauté européenne](#)

<sup>6</sup> Smulders H., Defining the Outdoors (revised 2016), [http://active-leisure-alliance.eu/sites/active-leisure-alliance.eu/files/docs/Defining%20the%20Outdoors\\_2016.pdf](http://active-leisure-alliance.eu/sites/active-leisure-alliance.eu/files/docs/Defining%20the%20Outdoors_2016.pdf)

<sup>7</sup> Representativeness study on Sport and active leisure industry; European Foundation for the Improvement of Living and Working Conditions, 2012  
<http://www.eurofound.europa.eu/observatories/eurwork/comparative-information/representativeness-of-the-european-social-partner-organisations-sport-and-active-leisure-industry>

(Vocasport, 2004) <sup>8</sup> the European Confederation of Outdoor Employers (EC-OE) and the European Health and Fitness Association (now called EuropeActive) confirmed their cooperation to create the **Active Leisure Alliance** (ALA). The statement of cooperation was signed in Brussels on the 23<sup>rd</sup> of November 2012.

The principle objectives of the cooperation and alliance between EC-OE and EHFA <sup>9</sup> are to:

- Declare their respectful entire **autonomy of representation** as far as social dialogue issues in the Sport and Active Leisure sector are concerned at the European level;
- **Recognise each other** as particularly significant and largely unchallenged in their respective position **as the EU-wide representatives of the Active Leisure Sector**;
- **Actively cooperate** in the representation of the employers of the Active Leisure Sector, particularly for Social Dialogue issues;
- **Jointly declare their immediate availability** for their participation to the construction of social dialogue within the 'Sport and Active Leisure' Social Dialogue Committee;
- Jointly decide to bring the present statement to the sector's partners' knowledge and that of the European Commission,

Gradually the Active Leisure Alliance enabled both EC-OE and EuropeActive to join forces and to participate in several EU projects mainly in the area of Social Dialogue (DIAL) and recently also in the area of EQF / International Qualifications (SIQAF). <sup>10</sup>

The representativeness of the Active Leisure Alliance is also articulated through the increasing number of consultations of both EC-OE and EuropeActive by EU authorities and research organisations alike.

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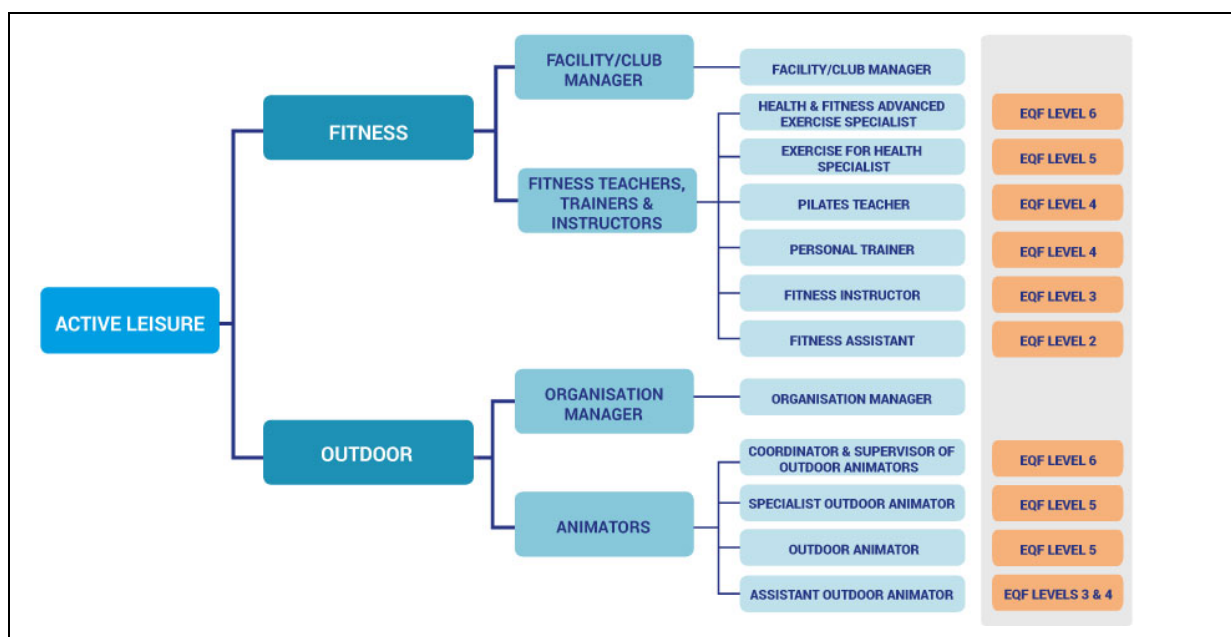
<sup>8</sup> Vocasport (2004), project pages 17 & 74, supported by the European Commission (DG Education and Culture, Contract n° 2003-4463/001-001)

<sup>9</sup> In 2015 EHFA changed its name to EuropeActive

<sup>10</sup> <http://www.active-leisure-alliance.eu/projects>

A major EU project, both EC-OE and EuropeActive were invited to participate in, is ESCO. ESCO is the multilingual classification of European Skills, Competences, Qualifications and Occupations.<sup>11</sup>

The main outcome of ESCO for the Active Leisure Alliance (ALA) is the Active Leisure organogram drawn up by ALA.



The most important feature of this organogram however, is the accompanying set of definitions and descriptions of skills and competences.<sup>12</sup>

The Outdoor sector was defined as:

*(The Outdoor sector) “ Uses outdoor related activities (canoe, rafting, horse riding, etc.) as the basis of delivery of a recreational or personal development service. The outdoor sector uses qualified animators or instructors to deliver these outdoor activities in a context of fun, recreation, tourism, outdoor learning or engagement with the natural environment. Outdoor providers do not generally offer competitions.”*

<sup>11</sup> <https://ec.europa.eu/esco/portal/home>

<sup>12</sup> <http://www.active-leisure-alliance.eu/about-ala>



During eight consecutive DIAL project meetings the proposed definitions for 'Active Leisure' 'Fitness' and 'Outdoor', have been discussed, amended and validated by some 150 delegates representing 20 different EU member states.<sup>13</sup>

#### 1.4. Components of outdoor leisure

The EQFOA (2006 – 2008)<sup>14</sup> and the CLO2 (2008 – 2010)<sup>15</sup> projects stated that the **safety** aspect as the '**base of any action**' and also defined five main interrelated components of outdoor activities, which must be addressed at the same time in order to ensure an appropriate level of safety for both the customers and the members of staff involved.

The five components of outdoor leisure activities are as follows:

1. Management;
2. Animator – the professional delivering the service;
3. Client;
4. Environment;
5. Tools and equipment used during the service delivery.

Due to the interaction of these five components of outdoor leisure, the most effective safety measures will be those taking every single one of the five components into account.

#### The Management

The management component deals with general issues (internal procedures) concerning the company in charge of delivering the service. The main issues at stake are transport, trip organisation, conditions of sales (complaint handling), welcome and administration, staff organisation, emergency issues, etc.

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<sup>13</sup> <http://www.ehfa-programmes.eu/node/20>

<sup>14</sup> EU (Leonardo da Vinci), European Qualification Framework for Outdoor Animators – EQFOA (Contract number 17.020200/12/624470), 2006-2008.

<sup>15</sup> EU (Leonardo da Vinci), Professionalising training and mobility for outdoor animators in Europe, bridging the gap between sector competences and learning outcomes – CLO2 (Contract number UK/08/LLP-LdV/TOI/163\_178), 2008-2010.

### **The Animator**

The person, be it the member of staff / sub-contractor, in charge of delivering the service in the field. Depending on the country and the activity, different names are being used such as 'Instructor', 'Guide', 'Coach', etc. Training forms a major part for this component.

### **The Client**

The client represents a 'consumer' paying for the service. Measures specifically relating to clients and to interpersonal relationships between the client and the animator will be classified under this heading.

### **The Environment**

The environment can be split into five subsectors within the outdoors, according again to the EQFOA project:

**Subsector 1:** Lake & sea

**Subsector 2:** Snow

**Subsector 3:** Earth (including groups hiking, riding, roping and shooting)

**Subsector 4:** Stream

**Subsector 5:** Air

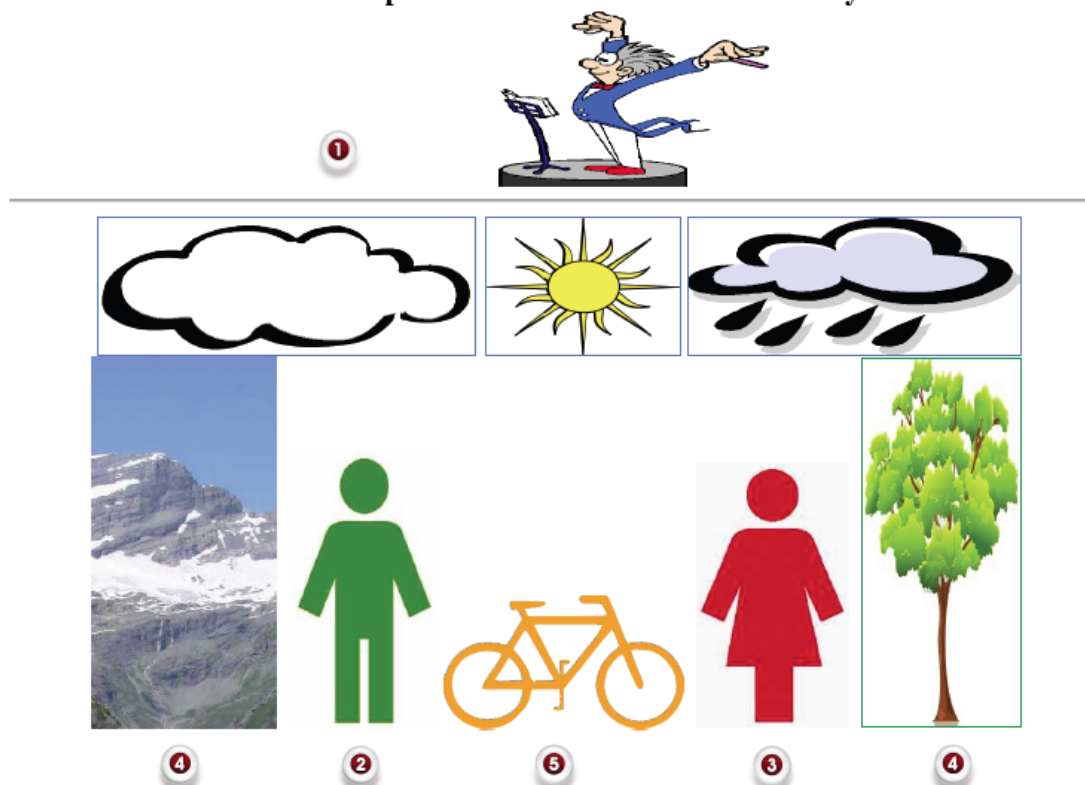
An important issue for this component is risk assessment due to the 'intrinsic' difficulty of the activities and weather conditions.

### **Tools and Equipment**

This represents the assortment of equipment used for the service delivery. The word 'tool' refers to things such as a pair of skis, a mountain bike, a canoe, or even a horse, etc., as well as the specific technical issues necessary for the proper and safe use of the tool / equipment, including issues such as storage, maintenance and repair.

In addition to focussing on the proper use of the outdoor leisure tools, this component also deals with **industrial standards** (ISO, CEN) and with the **CE marking** (stating that the producer confirms the equipment meets EU safety, health and environmental protection requirements).

## The 5 Components of an Outdoor Leisure Activity



1 The **management** of the company selling the service, referred to as “SME” for “Small & Medium Size Enterprise”;

2 The **animator** delivering the service in the field, referred to as “IA” for “Inner Aptitude”;

3 The **client** buying the service and looked after by the animator, referred to as “IC” for “Interpersonal Communication” and relationship;

4 The **environment**, within which the service is delivered, referred to as “EV” for “Environment”;

5 The **equipment** used to deliver the service, referred to as “EQ” for “Equipment”.

*Note: Terminology and colour coding is directly linked to that used within EQFOA and CLO2 Leonardo projects*

## 2. Safety measures in the Outdoors

As indicated above, there are **five** main interrelated components of outdoor activities, which must be addressed simultaneously in order to ensure an appropriate level of safety for both the customers and the members of staff involved. The five components of outdoor leisure activities are as follows:

1. Management;
2. Animator – the professional delivering the service;
3. Client;
4. Environment;
5. Tools – the equipment used during the service delivery.

Safety in the outdoors is directly linked to the fact that **each and every one** of the five components is taken care of according to professional, recognised or accepted references. This means that as far as outdoor leisure activities are concerned, safety is due to the fact that the management **AND** the staff **AND** the clients **AND** the environment **AND** the equipment are safe, checked, adapted, appropriate and suitably trained.

In order to obtain a more profound and overall picture of 'non-regulatory safety measures in outdoor leisure activities', DG SANCO (now Consumers) commissioned in 2012 a report on 'non-regulatory safety measures in outdoor leisure activities' by the European Confederation of Outdoor Employers (EC-OE).<sup>16</sup>

The aim of this report was to **gather information** on existing non-regulatory measures with regards to safety in outdoor leisure activities across the EU and to **analyse the effectiveness** of these safety measures.

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<sup>16</sup> Smulders H, Lapeyrère J-Y & Ann O'Connor, Non-regulatory measures related to the safety of outdoor leisure activities in the EU, [http://www.ec-oe.eu/fileadmin/user\\_upload/Publications/non-regulatory\\_measures/Final\\_Report\\_27022013\\_.pdf](http://www.ec-oe.eu/fileadmin/user_upload/Publications/non-regulatory_measures/Final_Report_27022013_.pdf), 2013

## 2.1. Types of safety measures

In general terms concepts such as 'code of conduct', 'guidelines', and 'best practices', are often used to identify safety measures. Moreover, during the research phase of this study it appeared that these concepts are also used in 'titles or headings' to specify the content of certain measures (e.g. the Finish '**Guidelines** for the promotion of safety for equestrian services'). However, in neither case it is possible to deduct why exactly a specific safety measure is called a code of conduct, a guideline, or a best practice.

In order to facilitate the processing and classification of all the gathered safety measures, it was essential to attempt to define the exact meaning of each of the concepts and it was also necessary to determine more precise and distinguishing criteria.

Additionally, it was observed that 'best practices' are mostly applied at very local level and very often even limited to only one company. On the other hand, when outdoor providers refer to 'guidelines' these types of safety measures are mostly operational at a somewhat larger / regional scale. Moreover, guidelines are often issued by governing bodies. Codes of conduct seem to apply at a larger scale, and are sometimes issued by national authorities that are often developed to improve the image of the sector.

Therefore the authors of the DG SANCO report used the **level of constraint** that a measure creates upon the service providers as a decisive criterion to distinguish between 'best practice', 'guideline' and 'code of conduct'.

For example, a best practice may be very effective at company level, but in terms of effectiveness at sector level, best practices are quite non-committal.

## Key concepts for classification of safety measures

### - Standards

Specific standards for the manufacturing of equipment and in some very rare cases standards also concern services (ISO and CEN standards).

### - Conventions

Several safety measures indeed apply certain conventions such as the '**Beaufort** wind scale' for sailing, surfing, etc. or the '**White Water**' classification system for canoe, kayak, rafting.

These conventions are mostly European (international in some cases) therefore it is not possible to allocate them to one country. Moreover, it is impossible to allocate conventions to a particular organisation or author.

### - Certification schemes

Defined as the process leading to the deliverance of a certificate acknowledging that the outcomes of a learning process or of an evaluation process have been assessed in accordance to a given standard.

### - Code of conduct

Is defined as a set of rules outlining the proper practices and responsibilities of an individual, party or organisation. Related concepts include ethical codes and honour codes.

### - Guideline

Is defined as a statement by which to determine a course of action. A guideline aims to streamline particular processes according to a set routine or a sound practice. By definition, following a guideline is never mandatory. Guidelines are not binding and cannot be enforced.

### - Best practice

A method or technique that has consistently shown results superior to those achieved with other means. Best practices are used to maintain quality as an alternative to mandatory legislated standards and can be based on self-assessment or benchmarking.

## 2.2. Taxonomy used for the classification of referenced safety measures

Using the described types of safety measures consequently provided a tool to classify the collected safety measures.

<u>Type of measure</u>	<u>Number of measures</u>
1. Regulatory measures	21
2. Non- regulatory measures	202
2.1 Standards	102
2.1.1 ISO	46
2.1.2 CEN	44
2.1.3 National	12
2.2 Conventions	10
2.3 Voluntary measures	90
2.3.1 Certification schemes	41
2.3.2 Codes of conduct	12
2.3.3 Guidelines	26
2.3.4 Best practices	11
<b>SUM= 223 (21+202)</b>	

All of these categories are '**exclusive categories**' establishing a method to classify any measure into a particular category. As such, this classification system facilitates the analysis of the collected measures related to the safety of outdoor leisure activities in the EU.

Though the DG SANCO study focused on 'non-regulatory' safety measures, the 21 'regulatory' measures that surfaced during the survey were also scrutinised.

Finally, a total of 223 different safety measures from 12 EU Member States plus Norway and Switzerland were taken into account.

## 2.3 Main conclusions from the DG SANCO report <sup>17</sup>

1. The cross-border character of outdoor leisure activities (**mobility of providers, workers and consumers**) is of paramount significance to the promotion of safety. Consequently, the most obvious level to promote safety in the outdoors should be **at EU level**.
2. This study has shown that the majority of referenced measures apply **per country** and only **at activity level**. In other words, there is **no EU wide structural link** between all these measures neither at activity level, neither at sector level, nor at country level, and certainly not at EU level.
3. The multitude of issues relating to the type and content of all referenced safety measures makes it very difficult to oversee the whole picture and to map the totality of measures covering all outdoor activities throughout the EU.
4. One of the main findings of this report with regards to the 'five components of outdoor leisure activities' is that **not one single outdoor leisure activity is fully and adequately covered at EU** or even at country level.
5. Stakeholders' involvement and goodwill is therefore another cardinal element to achieve effectiveness at sector level. This report recommends the stakeholders in the outdoor leisure industry should be strongly involved in the event of setting up any kind of (sector) EU programme safety scheme.
6. Most of the referenced programme safety schemes are indeed 'owned' by employer federations. In other words, if employer federations are not involved in the enforcement of programme safety schemes, the promotion of safety in outdoor leisure activities will not be effective. However, both the UK and Finland are to some extent the exception to this rule.
7. The common feature of these programme safety schemes is that they all focus on the complete management cycle of the provider offering outdoor leisure activities. Instead of focussing on the safety of specific activities, programme

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<sup>17</sup> Smulders H, Lapeyrère J-Y & Ann O'Connor, Ibid, p. 9



safety measures have a tendency to function as **audit systems for quality control**.

8. The final conclusion on this report is that the most effective approach to promote safety in outdoor leisure activities would be a combination of a **regulatory measure at EU level** with a certification (audit) scheme, more precisely an **EU programme safety (audit) scheme**.

Therefore the tendency in the Outdoor sector is to focus on what is called 'Programme Safety'.

### 3. Safety at work

Though the focus of the DG SANCO study was very much on non-regulated safety measures related to '**consumer safety**', the study nevertheless also identified 21 'regulatory safety measures' and a limited number of safety measures that directly relate to '**safety on the work floor**'.

It may be worth considering a more in-depth study into labour or employment legislation but it is our belief that the most significant and specific safety measures related to the Outdoors are included in the DG SANCO study. One exception however is the relatively new OiRA tool launched in 2015 by the European Agency for Safety and Health at Work (EU-OSHA).<sup>18</sup>

Within the DG SANCO study the very few identified safety measures related to safety on the work floor are to be found under the 'regulated measures' and the 'standards'.

#### 3.1 Dir. 89/656/EEC

Safety at work has been a major concern for the EU since many years and key to this directive 89/391/EEC (framework)<sup>19</sup> followed by several individual directives.

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<sup>18</sup> <https://osha.europa.eu>

<sup>19</sup> <https://www.nbn.be/en/catalogue/standard/nbn-en-15567-1-0>

Related to the Outdoors (and sport in general) **Dir. 89/656/EEC**<sup>20</sup> on ‘use of Personal Protective Equipment’ (PPE) stipulates that amongst others ‘**sports equipment**’ (Article 2) is excluded from this Directive.

The major problem with this Directive is that it aims to be applicable to **all sectors of activity**.

Because of its vagueness the Directive kept on causing doubts in the Outdoor sector and more precisely for providers of climbing and caving activities.

In collaboration with the British Caving and Climbing governing bodies (including high ropes), the UK issued the Health and Safety Act: “The Work at Height (Amended) Regulations 2007 “<sup>21</sup> This Act provides for a “Special provision in relation to caving and climbing”.

It also says that if you follow the recognised good practice identified by a relevant national governing body, you will generally be doing enough to satisfy WAH(A)R.

### **3.2 EN 15567-1:2015 & EN 15567-2:2015 (ropes courses)**

This EN 15567-1:2015 **European Standard** applies to permanent and mobile ropes courses and their components. This European Standard specifies safety requirements for the design, construction, inspection and maintenance of ropes courses and their components. This European Standard does not apply to temporary ropes courses and children's playgrounds. For the **use** of ropes courses EN 15567-2 applies.<sup>22</sup>

These standards actually supersede the original standards dating back to 2007.

The full name of these standards is:

- Sports and recreational facilities - Ropes courses - Part 1: Construction and safety requirements
- Sports- and recreational facilities - Ropes courses - Part 2: Operation requirements

There are however, some fundamental issues with (European CEN) Standards:

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<sup>20</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31989L0656>

<sup>21</sup> <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/94934/111573/.../GBR94934.pdf>

<sup>22</sup> <https://www.nbn.be/en/catalogue/standard/nbn-en-15567-1-0>

- The use of standards is voluntary and so there is no legal obligation to apply them.
- Standards cannot be consulted. One has to buy them.
- Standards are in most cases focussing on the technicality of 'equipment'.

The DG SANCO report identified some 102 standards. At European level (CEN) and world level (ISO) an absolute majority of these standards refer to the **component 'equipment'** with 'climbing', 'diving' and 'skiing' being the most standardised outdoor activities.

As a consequence of these (technical) standards, the Outdoor sector nearly always automatically uses **EN**-certified equipment <sup>23</sup>.

The EN 15567-2:2015 standard is probably one of the rare standards to refer to operational requirements and as such could be considered to be applicable – on a voluntary base - on the work floor.

### 3.3 The OiRA tool

OiRA is to be considered as a non-regulatory **tool** to help to improve safety on the work floor. Though OiRA is embedded in Dir. 89/656/EEC it has no legal status.

OiRA was established in order to provide easy-to-use tools that will guide micro and small organisations through the risk assessment process. OiRA offers a step-by-step approach to the risk assessment process, beginning with the identification of workplace risks, then taking the user through the process of implementing preventive actions, and finally to monitoring and reporting risks. <sup>24</sup>

The European Agency for Safety and Health at Work (EU-OSHA) developed the free of charge web platform: **OiRA** (Online interactive Risk Assessment) and in 2015 EU-OSHA launched an OiRA tool for Active Leisure (= Outdoors and Fitness).

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<sup>23</sup> By referring to 'EN certification' the producer confirms the product (equipment) was produced according to a European Standard (EN)

<sup>24</sup> <https://osha.europa.eu/en/tools-and-publications/oira>

In compliance with the remit of EU-OHSA, the OiRA tool focuses on safety at work and is conceived as a flexible cross-sector safety tool. However, when it comes too specific safety issues for the Outdoor sector, a cross-sector generic approach – as was also the case with **Dir. 89/656/EEC** – becomes more dubious.

Developing a safety tool obviously depends on the quality of **the input**. Apart from copy pasting a few pieces of text, it is pretty obvious that the representative sector organisations for the Active Leisure sector; EuropeActive for Fitness and the European Confederation of Outdoor Employers (EC-OE) for the Outdoors, were not consulted by EU-OHSA.

What must be realised is that working in the Active Leisure sector is not just working on the (one) spot. The Outdoors is, above all, characterised by a pattern of continuous change; particularly in respect to the physical environments (even during one activity), the remoteness of the site, meteorological conditions and consequently with continuously changing safety issues.

Moreover, working in the Outdoors means, guiding people which consequently involves dealing with participants who find themselves in an unfamiliar environment and having to perform unfamiliar actions. Therefore the participants are also less predictable for the safety situation of the '**employee**' himself.

## 4. Towards a safety audit system for the Outdoors

It is the belief of the Outdoor sector, that safety on the work floor equals consumer (participants) safety. For instance the safety constraints of an Outdoor Animator guiding a raft trip down a white water rapid are identical to the safety constraints for the participants / costumers of this rafting trip.

Regards the OiRA tool it seems that the applicability of this tool, at least for the Outdoors, will depend on implementing some major and fundamental improvements both on the system and on the content:

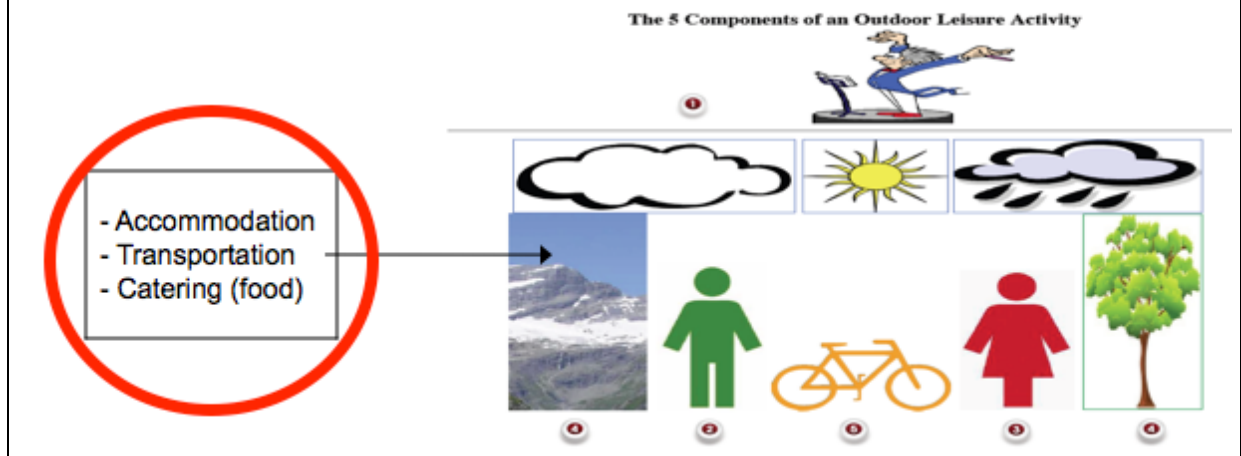
- Engage the concerned representative sector organisations.
- Take into account that the work floor for the Outdoors depends on the environment.
- Consider the fact that in the Outdoors safety on the work floor equals consumer (participants) safety.
- Ticking boxes on the Internet will never guarantee safety in a remote natural environment.
- Except that 'risk' will always exist whilst 'safety' can always be improved.

The DG SANCO study on the other hand, did not take **non-sector-specific** issues into account such as:

- Accommodation
- Transportation
- Catering

To a certain extent these non-sector-specific issues can be considered as an extension to the safety component 'environment'. The latter therefore could be the sphere of action where the OiRA tool (safety on the work floor) and consumer safety in the Outdoors could become complementary.

# OiRA + The Outdoors



It is an imperative however that an Outdoor Safety Audit **MUST** be an audit **on the spot**. Ticking boxes on a website can never guarantee that for example an emergency call from a mobile phone in some remote area, effectively reaches the rescue services.

Moreover, the DG SANCO study clearly indicated that the most effective strategy to cover safety in the Outdoors is to audit the full cycle of '**Programme Safety**'.

It can be beneficial in considering the purport of the relevant Belgian legislation on 'Safety on Active Leisure Activities' (2014).<sup>25</sup> This Belgium legislation provides for a context defining the criteria to meet 'programme safety'. The criteria are:

- A risk analysis;
- Precautionary measures must be in place;
- A safety supervisor must be appointed;
- Unacceptable risks must be avoided by taking care of:
  - Installations & equipment;
  - Staff training;
  - Training of the supervisor;
  - Providing information to the customers;
- A situation plan (including a prevention plan and an emergency plan);
- An evacuation plan.

<sup>25</sup> [http://economie.fgov.be/nl/binaries/39-KB\\_actieve\\_ontspanningsevenementen\\_tcm325-52669.pdf](http://economie.fgov.be/nl/binaries/39-KB_actieve_ontspanningsevenementen_tcm325-52669.pdf)

These concepts are used to a different extent by Outdoor Employers federations in Belgium (BFNO), Netherlands (VeBON), Spain (ANETA) and Switzerland (SOA) and integrated into their national Safety Audit Systems.

However, before moving towards the construction of an EU Safety Audit System it is also imperative to consider the **effectiveness** of such a system; for instance will it be 'self regulating' (sectoral) or 'mandatory' (by law)? Or in other words,

***“The higher the number of consumers (and employees) who are really protected, the more the audit system shows its effectiveness.”***

#### 4.1 Effectiveness

The DG SANCO study (2013) was a follow-up study on Lex Fori (2001)<sup>26</sup> and the EIM study (2008)<sup>27</sup>. These studies focused on the 'effectiveness of soft-law' and on the 'key aspects of self-regulation'. Basically the DG SANCO study added the '5 components' concept to the key aspects of self-regulation and as such defined **five key aspects of effectiveness**:

1. **The coverage of content** relates to the five components of an outdoor activity. This aspect is the most important one, since it refers to the core of safety in the outdoors, as mentioned previously;
2. **The level of the measure** relates to the geographical level of enforcement of a measure and of course determines the number of customers concerned;
3. **The type of the measure** deals with the level of constraint that a measure represents for the service providers concerned;
4. **The nature of the organisation**: refers to who is in charge of or owns the measure;
5. **The scope of the measure**: relates to the number of activities concerned.

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<sup>26</sup> [http://www.lexfori.net/soft\\_law\\_en.htm](http://www.lexfori.net/soft_law_en.htm)

<sup>27</sup> EIM, Self-Regulation in SANCO policy areas, 2008.

#### 4.1.1 Assessing effectiveness

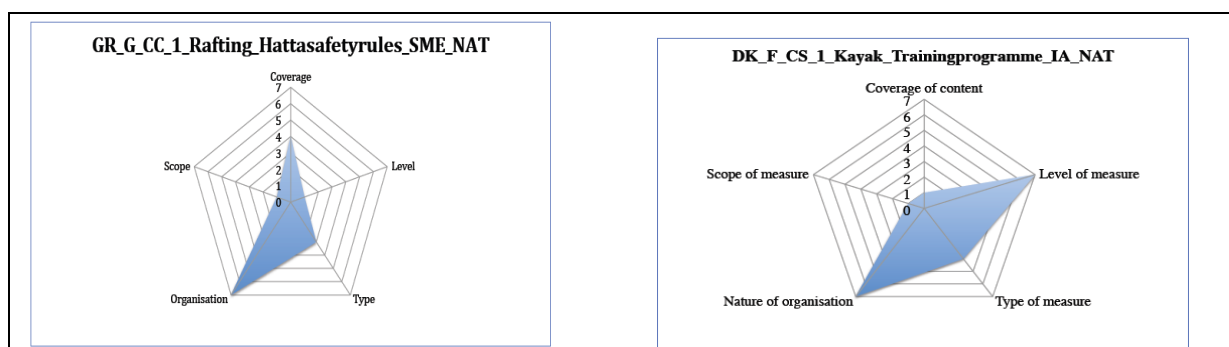
However, before designing a pattern (or patterns) of effectiveness it was necessary to assess the parameters used to design the pattern.<sup>28</sup>

For the simple reason that one key aspect (type of measure ranging from ‘best practice’ to ‘regulatory measure’) indeed has seven subcategories, each of the key aspects is scored on a 7-point scale. Consequently for some ‘key aspects’ gaps might appear on the continuum from one to seven. The latter, however, does not affect the principle of the method.

The 5 key aspects of measure effectiveness							
	1	2	3	4	5	6	7
Coverage of content	1 Component	2 Components		3 Components		4 Components	5 Components
Level of Measure	Local			Regional			National
Type of measure	Best practice	Guideline	Code of Conduct	Certification Scheme	Convention	Standard	Regulatory
Nature of Organisation	Local			Regional			National
Scope	Activity		Multiple activities		Sub-sector		Sector

#### 4.1.2 Radar presentation of the effectiveness of safety measures<sup>29</sup>

Using the technique of the ‘spider diagram’ enabled to visualise and analyse more profoundly the impact or effectiveness of each scrutinised safety measure (N= 223).

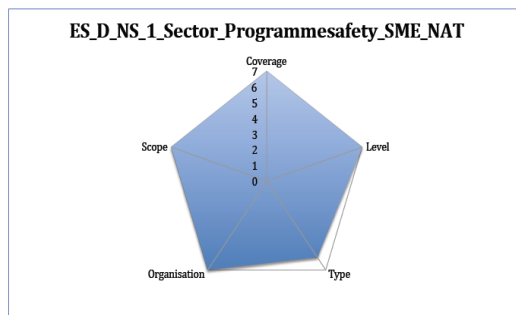


<sup>28</sup> Smulders H, Lapeyrère J-Y & Ann O'Connor, Ibid, pp. 52-59

<sup>29</sup> Smulders H, Lapeyrère J-Y & Ann O'Connor, Ibid, pp. 59-73

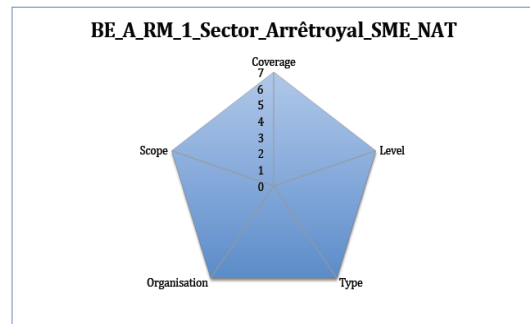


Greek code of conduct for rafting



Spanish standard on programme safety

Danish certification scheme for kayak

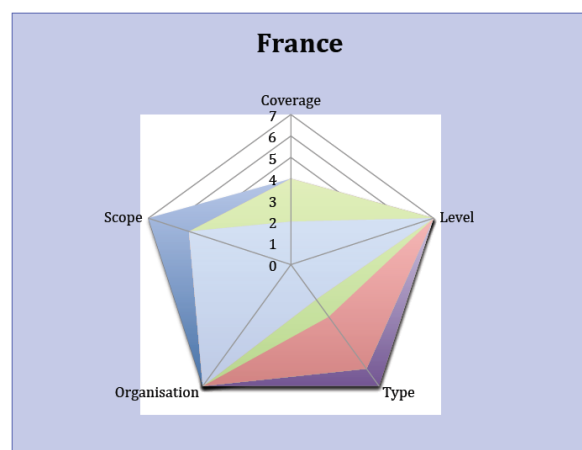
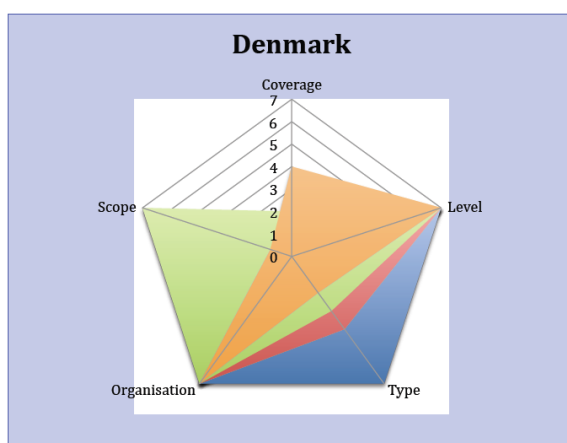


Belgian law on safety for Active Leisure

From the point of view of consumer safety the research question was if - per EU Member State - **compounded patterns** of safety measures would cover all key aspects of outdoor activities? In other words, can the addition of ...

*“different safety measures, **partially** covering **some** of the five components (of the existing **one hundred plus** outdoor activities) operating at **different levels** of implementation, of a **different type**, created by **different organisations** and structured at **different levels**”*

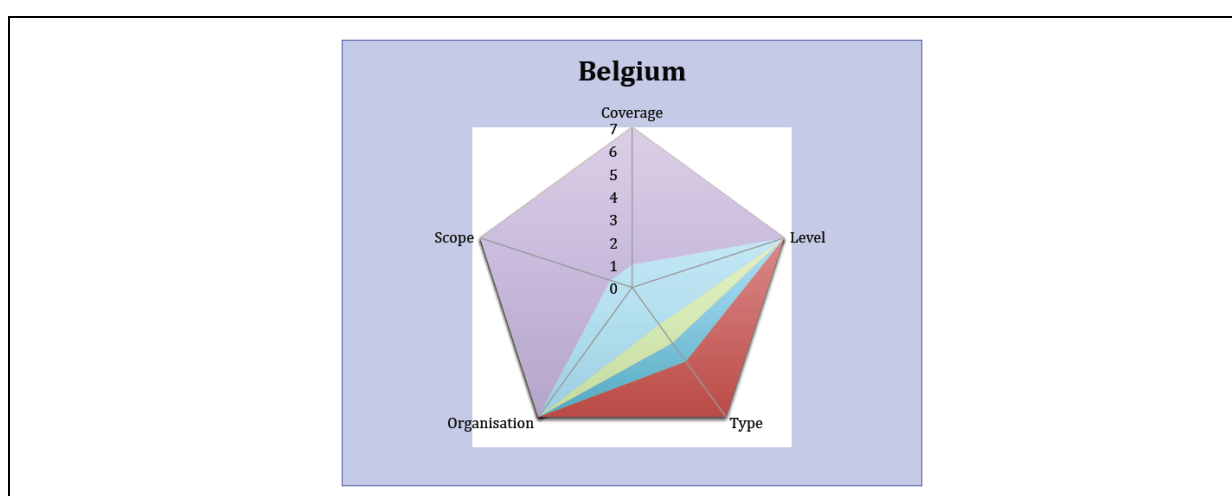
... result in a pattern of effectiveness for the entire sector and for every customer? In order to test this hypothesis compounded radar diagrams of the various safety measures per Member State were produced. All referenced measures per country were superposed in a country radar diagram.



The depicted examples of Denmark and France indicate clearly that, despite even a multitude of safety measures (France), all measures ‘stand-alone’ and do not really guarantee consumer safety in the Outdoor sector.

The DG SANCO study clearly shows that **only** comprehensive national **regulatory safety measures** will result in complete coverage of every single key aspect of effectiveness of the outdoor activities at country level.

The only 100% regulatory safety measure identified in the study was the Belgian law on ‘Safety on Active Leisure Activities’ (2014).<sup>30</sup>



To a lesser degree Spain (Standard on programme safety) and Finland / Lapland (Tourism Safety and Security) also have some regulatory safety measures in place.

In sum, the main conclusions regards ‘effectiveness’ from the DG SANCO study are:

- Paramount for any safety measure to be effective is that the safety measure covers **all components** of an outdoor activity.
- For any measure to be most effective it must fully cover **ALL** key aspects of the outdoors and be compulsory to enforce.
- This study shows that **only** comprehensive national **regulatory safety measures** will result in complete coverage of every single key aspect of effectiveness of the outdoor activities at country level.
- The lack of a comprehensive **programme safety scheme at EU level** appears to be a substantial gap in promoting safety in the Outdoors.
- Programme safety measures have a tendency to function as **audit systems for quality control**.

<sup>30</sup> [http://economie.fgov.be/nl/binaries/39-KB\\_actieve\\_ontspanningsevenementen\\_tcm325-52669.pdf](http://economie.fgov.be/nl/binaries/39-KB_actieve_ontspanningsevenementen_tcm325-52669.pdf)

- Involvement of **representative stakeholders** and goodwill is cardinal to achieve effectiveness at sector level.

#### 4.1.3 An EU 'safety audit' system for the Outdoors ?

Based on the DG SANCO findings the European Confederation of Outdoor Employers (EC-OE) expressed its commitment to strive for an EU wide safety audit system for the Outdoors. Moreover, it was also articulated that the audit system should be a **programme safety** system.

In the meantime several member organisations (ANETA, BFNO, SOA and VeBON) already developed their own national safety audit system. These national audit systems are privately owned and not for sale. The common feature however is that they are all build on the principle of programme safety.

Because of the existing law on Safety on Active Leisure Activities the unique situation in Belgium can be exemplary and worthwhile considering. This law has a double merit:

- It provides for a context defining the criteria to meet for the safe organisation of active leisure activities, and
- It leaves the implementation of these criteria to the sector.

Using this window of opportunity the Belgian Outdoor employer's federation BFNO, in accordance with the Ministry of Economy in charge, reacted to this legislation by establishing an adapted and approved **programme safety audit system**.<sup>31</sup>

Though obviously this Belgian law has no legitimacy at an EU level, the law on Safety on Active Leisure Activities is based on the more general law on safety of goods and services.<sup>32</sup> It is fair to assume that the purport of this Belgian law is transferable to all EU Member States.

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<sup>31</sup> [www.bfno.be](http://www.bfno.be)

<sup>32</sup> [http://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=nl&la=N&table\\_name=wet&cn=2013042510](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&table_name=wet&cn=2013042510)

Finally, it can be concluded that the constructing an EU wide audit safety system for the Outdoors should be feasible relying on the available building stones that have been scrutinised in this report. In sum:

- The key components for safety in the Outdoors have been identified.
- The main provisions on representativeness and effectiveness are available.
- The concept of programme safety is defined.
- The (draft) criteria to meet programme safety are available.

However, the most effective approach to promote safety in Outdoors is a combination of a regulatory measure at EU level with an EU wide **programme safety** audit system.

The fundamental point for the European Confederation of Outdoor Employers (**EC-OE**) is that implementing a programme safety audit system is the best guarantee to promote safety for both the employee and the employer. In other words, at least for the Outdoor sector, safety at work (employee) **equals** safety of the consumer.

Developing an overarching EU endorsed Safety Audit System for the Outdoors remains a priority for the European Confederation of Outdoor Employers (EC-OE).

## 5. In conclusion: Transferability ?

In order to achieve the highest possible level of effectiveness in safety issues for a particular sector or sub-sector, it is imperative that **representative** stakeholders are engaged in the whole process of developing and approving safety measures.

According to the methodology described in the DG SANCO study, these stakeholders will have to confirm both the 'content' (key components) and the '(five) key aspects of effectiveness' relative for their sector.

Within this context the transferability (of a safety audit system for the Outdoors) to other sectors or sub-sectors ipso facto should be limited to apply this **methodology** only.

Even within the context of Social Dialogue for the Sport and Active Leisure sector, it would not be appropriate nor fair that i.e. one (sub)-sector such as the Outdoors would push forward its own tailor-made safety audit system.

On the other hand and based on the 'Outdoor experience', some useful ideas can be suggested, but it is clearly up to each (sub)-sector to decide on their respective positions.

- Involve representative stakeholders;
- Agree on the key components of the sector;
- Agree on the key aspects of effectiveness for the sector;
- Strive for 'programme safety';
- Strive for national and/or EU endorsement.